United Nations A/C.3/64/SR.42

General Assembly
Sixty-fourth session

Official Records

Distr.: General
04 March 2010

Original: English

## Third Committee

**Summary record of the 42nd meeting**
Held at Headquarters, New York, on Thursday, 12 November 2009, at 3 p.m.

*Chairperson:* Mr. Penke ..... (Latvia)

## Contents

Agenda item 69: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Agenda item 104: Crime prevention and criminal justice (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

09-60418 (E)

Please recycle

*The meeting was called to order at 3.15 p.m.*

**Agenda item 69: Promotion and protection of human rights** (*continued*)

**(a) Implementation of human rights instruments** (*continued*) (A/C.3/64/L.22 and A/C.3/64/L.24)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/C.3/64/L.27, A/C.3/64/L.31, A/C.3/64/L.32, A/C.3/64/L.33/Rev.1, A/C.3/64/L.34/Rev.1, A/C.3/64/L.41/Rev.1, A/C.3/64/L.45, A/C.3/64/L.46 and A/C.3/64/L.48)

*Draft resolution A/C.3/64/L.22: International Covenants on Human Rights*

1. **Ms. Fröberg** (Finland) said that her delegation would vote in favour of the draft resolution and expressed the hope that other delegations would overcome their differing views and do so as well.

2. **Ms. Melon** (Argentina), speaking on a point of order, asked which delegation had requested a recorded vote on draft resolution A/C.3/64/L.22.

3. **Mr. Khane** (Secretary of the Committee) said that, in accordance with rule 130 of the rules of procedure of the General Assembly, a recorded vote was taken on proposals to which one or more amendments had been made.

4. **Ms. Kondolo** (Zambia), speaking on behalf of the African Group, said that as the amendments to paragraph 10 proposed by the Group had not been taken on board, it would abstain from voting on the draft resolution.

5. *A recorded vote was taken on draft resolution A/C.3/64/L.22.*

*In favour:*

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Serbia, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam.

*Against:*

None.

*Abstaining:*

Afghanistan, Algeria, Angola, Bahrain, Bangladesh, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Iran (Islamic Republic of), Iraq, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Oman, Pakistan, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Africa, Sudan, Swaziland, Syrian Arab Republic, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

6. *Draft resolution A/C.3/64/L.22, as orally revised and amended, was adopted by 111 votes to none, with 66 abstentions.*

7. **Mr. Sammis** (United States of America) said that his country had voted in favour of the draft resolution with the express understanding that it did not imply that States must become parties to instruments to which

they were not a party or implement obligations under human rights instruments to which they were not a party.

8. **Mr. Saripudin** (Indonesia) expressed regret at the Committee's failure to adopt the resolution by consensus, as it had done in previous years. Indonesia had voted in favour of the draft resolution and the proposed amendments thereto, believing that dialogue, consensus and universal support, which served to broaden ownership of human rights norms, standards and mechanisms, were the best means of promoting and protecting human rights.

9. **Mr. Bahreini** (Islamic Republic of Iran) said that while his delegation supported the essence of the draft resolution, it had abstained from the vote due to the references in paragraphs 9 and 10 to General Comment 33 of the Human Rights Committee and General Comment 20 of the Committee on Economic, Social and Cultural Rights, with which it had conceptual differences. Given the Third Committee's amendment of paragraph 9, but not paragraph 10, the issue had not been resolved fully.

10. **Mr. De León Huerta** (Mexico) underscored his country's support for the work of human rights mechanisms. Mexico had voted against the proposed amendments, as it would have preferred retention of the original contents, including the reference to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, which, in his delegation's understanding, had been agreed with the sponsors of the draft resolution.

11. **Ms. Wilson** (Jamaica) said that while it would continue to support the general thrust of the draft resolution, it would have hoped that paragraphs 9 and 10 could have been eliminated.

12. **Ms. Richardson** (New Zealand) said that New Zealand was a strong supporter of the International Covenants on Human Rights and the independence and impartiality of the United Nations treaty body system. Her delegation would have preferred to retain the references to the two General Comments, particularly General Comment 33 of the Human Rights Committee. It had been published online and States had been invited to comment on it in advance of its adoption. It was regrettable that it had been necessary to take a vote on the draft resolution.

13. **Mr. Sial** (Pakistan) said that his delegation had voted in favour of the substantive amendments proposed by the African Group, but given the failure to adopt one of those amendments, it had been forced to abstain in the voting on the draft resolution.

*Draft resolution A/C.3/64/L.24: Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto*

14. **The Chairperson** said that the draft resolution contained no programme budget implications.

15. **Mr. De León Huerta** (Mexico), speaking also on behalf of New Zealand, announced the following additional sponsors of the draft resolution: Algeria, Bangladesh, Bolivia, Cambodia, Comoros, Côte d'Ivoire, Cuba, the Czech Republic, Dominican Republic, Ghana, Guinea, Indonesia, Israel, Lebanon, Liberia, Malta, Mauritius, Myanmar, Norway, Poland, the Russian Federation, Saudi Arabia, Seychelles, Sierra Leone, Suriname, Thailand, Tunisia, Turkmenistan and Ukraine. The large number of sponsors of the draft resolution attested to the commitment within the international community's commitment to protect the rights of persons with disabilities.

16. **Mr. Khane** (Secretary of the Committee) said that Afghanistan, Albania, Angola, Antigua and Barbuda, Barbados, Belize, Burkina Faso, Burundi, Gambia, Georgia, Guyana, Haiti, Kazakhstan, Kenya, Madagascar, Mali, Niger, Rwanda, Sudan, Swaziland and Trinidad and Tobago had also joined the sponsors.

17. *Draft resolution A/C.3/64/L.24 was adopted.*

*Draft resolution A/C.3/64/L.31: Globalization and its impact on the full enjoyment of all human rights*

18. **The Chairperson** said that the draft resolution contained no programme budget implications.

19. **Mr. Attiya** (Egypt) said that since the introduction of the draft resolution, Burkina Faso, Chad, Ghana, Namibia and Tunisia had joined the sponsors. The large number of sponsors reflected the growing interest in studying the impact of globalization, including changes in technology, production methods and means of communication in the context of the food, fuel and financial crises. The aim of the draft resolution was to promote greater understanding of those challenges and a more effective

international response to them. His delegation regretted the passive approach adopted by the partners, who had claimed to have fundamental conceptual problems with the text but had failed to make any specific proposals to overcome those problems.

20. **Mr. Khane** (Secretary of the Committee) announced that Antigua and Barbuda, Grenada and Senegal had become sponsors.

21. **Ms. Mirow** (Sweden), speaking on behalf of the European Union, Turkey, Croatia, the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina, Montenegro, Serbia, Iceland, Norway, Ukraine and the Republic of Moldova, said that while the European Union acknowledged that globalization could have implications for the full enjoyment of human rights, it could not support the draft resolution because of the inaccurate generalization made therein, that, in essence, globalization had a negative impact on the enjoyment of all rights. Dealing with the effects of globalization was high on the agenda of the European Union. The European Union acknowledged that the benefits of globalization were uneven but believed nonetheless that globalization could increase prosperity throughout the world and have a positive impact on the enjoyment of human rights. In addition, it seemed necessary to examine the effects of globalization on particular human rights on a case-by-case basis without making generalizations. The European Union had voted against a similar draft resolution at the sixty-third session and would do so again at the present session; it respectfully asked other delegations to do the same.

22. *At the request of the representative of Sweden, a recorded vote was taken on draft resolution A/C.3/64/L.31.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States of America.

*Abstaining:*

Brazil, Chile, Singapore.

23. *Draft resolution A/C.3/64/L.31 was adopted by 125 votes to 54, with 3 abstentions.*

*Draft resolution A/C.3/64/L.32: National institutions for the promotion and protection of human rights*

24. **The Chairperson** said that the draft resolution had no programme budget implications.

25. **Mr. Schroeer** (Germany) said that since the introduction of the draft resolution, India and Thailand had joined the sponsors. His delegation sought to biennialize the draft resolution, and requested the Secretary-General to report on its implementation at the sixty-sixth session of the General Assembly.

26. **Mr. Khane** (Secretary of the Committee) said that Burkina Faso, Dominican Republic, Ethiopia, Iceland, Kazakhstan, Lebanon, the Seychelles, Madagascar, the Russian Federation, Uganda, Ukraine, the United Republic of Tanzania and Venezuela (Bolivarian Republic of) had become sponsors.

27. *Draft resolution A/C.3/64/L.32 was adopted.*

*Draft resolution A/C.3/64/L.33/Rev.1: Follow-up to the International Year of Human Rights Learning*

28. **The Chairperson** said that the draft resolution contained no programme budget implications.

29. **Mr. Babadoudou** (Benin) announced the following additional sponsors: Argentina, Bolivia, Germany, Ireland, Thailand, Turkey, Spain and Switzerland.

30. **Mr. Khane** (Secretary of the Committee) said that Bangladesh, Belgium, Bosnia and Herzegovina, Brazil, Chile, Costa Rica, Dominican Republic, France, Grenada, Greece, Hungary, India, Indonesia, Lithuania, Luxembourg, Montenegro, Peru and the former Yugoslav Republic of Macedonia had also joined the sponsors.

31. **Mr. Babadoudou** (Benin) requested the Secretariat to expedite transmission of the draft resolution to the General Assembly so that it might take up the resolution at its special session on 10 December 2009, which marked the end of the International Year of Human Rights Learning and the sixty-first anniversary of the adoption of the Universal Declaration of Human Rights.

32. *Draft resolution A/C.3/64/L.33/Rev.1 was adopted.*

*Draft resolution A/C.3/64/L.34/Rev.1: Protection of and assistance to internally displaced persons*

33. **The Chairperson** said that the resolution contained no programme budget implications.

34. **Mr. Michelson** (Norway) read out revisions to the text. In line 4 of paragraph 7, the word "their" should be replaced by "the", and the words "of internally displaced persons" should be inserted after the word "participation". He announced the following additional sponsors: Benin, Burundi, Malta, the Netherlands, Nigeria, Poland, Thailand, Timor-Leste, Ukraine and the United States of America.

35. **Mr. Khane** (Secretary of the Committee) said that Ghana, Ireland, Madagascar, Malawi, Mali, Senegal, Seychelles, the United Republic of Tanzania and Zambia had also joined the sponsors of the draft resolution.

36. *Draft resolution A/C.3/64/L.34/Rev.1, as orally revised, was adopted.*

37. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) said that although her delegation had joined the consensus on the draft resolution, it wished to draw attention to the tenth preambular paragraph and its incomplete reference to the provisions of the Rome Statute of the International Criminal Court concerning the definition of the deportation or forcible transfer or displacement of the civilian population as a crime against humanity or a war crime. Indeed, the internal displacement, deportation or transfer of civilians was not in itself a war crime in any context, but only in certain circumstances. The wording of the tenth preambular paragraph was therefore open to misinterpretation.

38. The paragraph also omitted any reference to article 8, para. 2(b)viii, of the Statute of the International Criminal Court, under which the direct or indirect transfer by an occupying Power of parts of its own civilian population into the territory it occupied, or the deportation or transfer of all or parts of the population of the occupied territory within or outside that territory, was a war crime.

39. **Mr. Perez** (Brazil) said that his delegation had joined the consensus on the draft resolution in recognition of the need to strengthen the international community's efforts to provide internally displaced persons with adequate protection and assistance. Unfortunately, it had not been possible to find a better formulation for the fourth preambular paragraph. No direct links could be established between climate change and the causes of internal displacement. The Intergovernmental Panel on Climate Change had concluded that disaggregating the causes of migration was highly problematic and that estimates of the numbers of potential environmental migrants were

guesswork, at best. The same reasoning applied to internal displacement. Climate change might exacerbate challenges that were caused primarily by persistent poverty, political instability and other factors, but it was more useful to focus policies on direct causes. Brazil would continue to work to strengthen protection and assistance for internally displaced persons and to address climate change.

40. **Mr. Ali** (Sudan) said that his delegation had joined the consensus on the draft resolution because his Government was concerned about the issue of internally displaced persons. Sudan's efforts in that area included the voluntary return of internally displaced persons. His delegation would have preferred the draft resolution to refer to international instruments and did not consider itself bound by any language or definition that came from documents that had not been universally ratified, such as the Rome Statue of the International Criminal Court.

*Draft resolution A/C.3/64/L.41/Rev.1: Protection of migrants*

41. **Mr. Khane** (Secretary of the Committee) said that, should the Committee adopt draft resolution A/C.3/64/L.41/Rev.1, requirements would have to be met from within existing United Nations resources for the Committee on the Protection of Rights of All Migrant Workers and Members of Their Families to meet for an additional week in 2010. The daily subsistence allowance requirements and conference servicing costs for the additional week would be met within the provisions of the proposed programme budget for the biennium 2010-2011.

42. **Mr. De León Huerta** (Mexico) said that international migration brought cultural and economic benefits to all the countries involved. The purpose of the draft resolution was to reiterate the commitment of the international community to the goal of protecting the human rights and fundamental freedoms of all migrants, while recognizing the special challenges of the current economic and financial crises, to which immigrants were among the most vulnerable. Afghanistan, Burkina Faso, Ghana, Guinea and Turkey had joined the sponsors of the draft resolution.

43. **Mr. Khane** (Secretary of the Committee) said that Costa Rica, Jamaica, Lebanon, Portugal, Timor-Leste and Seychelles had also joined the sponsors of the draft resolution.

44. **Mr. Sammis** (United States of America) said that his delegation would join the consensus on the draft resolution. All States had the sovereign right to regulate the admission and expulsion of foreign nationals. They also had to respect the human rights of migrants in compliance with their obligations under international law, including international human rights law. The United States provided substantial protections under its Constitution and other domestic laws to aliens within its territory, regardless of their immigration status.

45. His delegation urged all States to take very seriously their responsibility to protect the human rights of all people, including migrants, in their territories. States also had an affirmative duty to accept the return of their nationals who had been expelled or returned from the territory of another State. The expeditious return of irregular migrants would contribute significantly to decreased detention periods.

46. Although international law did not prohibit the detention of persons who had violated a country's immigration or criminal laws, the enforcement of such law should be consistent with international law, including international human rights law. The approach of the United Nations to the global concern about migration should not be sidetracked by undue focus on bilateral issues that were being addressed through discussions between the affected States. It was therefore inappropriate to refer in the text to a bilateral legal matter which had previously been addressed by the Committee. The reference to the case cited in the ninth preambular paragraph diverted attention from the serious multilateral reflection required and did not promote constructive cooperation.

47. The United States had a long history of welcoming immigrants and refugees and highly valued legal, orderly and humane migration. The 1 million United States citizens who lived outside its borders were encouraged to observe all national and local laws when moving to or working in another country. The United States welcomed legal immigrants and properly documented temporary visitors, including workers and students, and was committed to protecting the human rights of migrants within its borders.

48. *Draft resolution A/C.3/64/L.41/Rev.1 was adopted.*

49. **Mr. Bennwik** (Sweden), speaking on behalf of the European Union, which had joined the consensus, said that the European Union's migration policies were

consistent with the human rights obligations of its member States and were based on a global and balanced approach and on the rule of law. Migration regulation contributed to the promotion and protection of the human rights of all, including migrants, and to the fight against trafficking, exploitation of irregular migrants and employment violations. His delegation therefore welcomed the explicit references in the text to the obligations of States of origin, transit and destination. However, the draft resolution should be more balanced. The European Union had a holistic approach to migration policies and was a strong supporter of the Global Forum on Migration and Development. European Union States had hosted two of the past three meetings of the Global Forum and would be hosting the fifth meeting in 2011.

50. In relation to paragraph 4 (a), detention in the European Union was subject to rigorous judicial review and was carried out in compliance with international human rights obligations. In that context, he rejected any inference that such detention might be excessive and emphasized the importance of taking into account the obligation of States of origin to receive returning nationals.

*Draft resolution A/C.3/64/L.45: Human rights and unilateral coercive measures*

51. **The Chairperson** said that the draft resolution had no programme budget implications.

52. **Ms. Pérez Álvarez** (Cuba), speaking on behalf of the Movement of Non-Aligned Countries, said that States should abstain from adopting unilateral measures that contravened international law and the Charter of the United Nations and that impeded the full economic and social development of the population of affected countries. Her delegation opposed all coercive and unilateral measures, including those designed to exert political and economic pressure, in particular on developing countries.

53. **Mr. Khane** (Secretary of the Committee) said that China had joined the sponsors of the draft resolution.

54. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/64/L.45.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey,

Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

None.

55. *Draft resolution A/C.3/64/L.45 was adopted by 128 votes to 52, with no abstentions.*

56. **Mr. Sammis** (United States of America) said that his delegation had requested the recorded vote because the draft resolution had no basis in international law and did not advance the cause of human rights. It was the responsibility of States to protect and promote the human rights and fundamental freedoms of their citizens. The text of the draft resolution was a direct challenge to the sovereign right of States to freely conduct their economic relations and to protect legitimate national interests, including taking action in response to national security concerns. It also attempted to undermine the international community's ability to respond to acts that were offensive to international norms. Unilateral and multilateral sanctions were a legitimate means to achieve foreign policy, security and other legitimate national and international objectives. The United States was not alone in that view or in that practice.

*Draft resolution A/C.3/64/L.27: Combating defamation of religions*

57. **Mr. Tan** Li Lung (Malaysia), speaking on behalf of the Organization of the Islamic Conference (OIC), said that defamation of religions remained a serious concern and that constructive dialogue was needed to address it. However, such dialogue could not succeed if countries were unwilling to engage with others and accept their views. Aware that the positions of partners who opposed the text would not change unless the core issues addressed in it were compromised, OIC had decided to proceed with action on the draft resolution.

58. He read out oral revisions to the text. In the seventh preambular paragraph, the word "serious" should be inserted after the word "Expressing". In the sixteenth preambular paragraph, the words "its first forum in Spain in 2008" should be added after the word "including". The line "the second forum of the Alliance, held in Istanbul" should be replaced with "its second forum in", and "on 6 and 7 April" should be deleted. Lastly, the word "in" should be added before "2009". In the twenty-third preambular paragraph, the word "interface" should be replaced with "intersection".

59. In paragraph 1, the words "and the conclusions contained therein" should be deleted. A new paragraph 11 bis should be added that read "*Takes note of* the work undertaken by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in accordance with their mandates defined by the Human Rights Council in its resolutions 7/34 and 7/36 of 28 March 2008". In paragraph 25, the word "possible" should be deleted, and the phrase "and the intersection between religion and race," should be added after the words "defamation of religions". Lastly, the words "and steps taken by States to combat this phenomenon" should be inserted before "to the General Assembly".

60. **The Chairperson** said that a recorded vote had been requested by the delegation of Sweden on behalf of the European Union.

61. **Ms. Mirow** (Sweden), speaking on behalf of the European Union in explanation of vote before the voting, said that her delegation shared the concerns of OIC that persons all over the world were victimized because of their religion or beliefs. The European Union could not agree, however, to promote the concept of defamation of religion, as that concept severely limited freedom of expression and endangered the very tolerance that allowed people of different faiths to co-exist. It was fundamental to distinguish between criticism of religion or beliefs and incitement to religious hatred. The concept of defamation of religions was inconsistent with human rights law, which protected individuals, but not religions or belief systems. The debate should be based on the existing international legal framework provided by the International Covenant on Civil and Political Rights.

62. The draft resolution sought to address legitimate concerns and condemned instances of discrimination and intolerance against individuals on the grounds of religion or belief. The European Union was open about the challenges encountered and invited others to show similar openness and determination. The European Union was willing to engage in a constructive dialogue with OIC and find new ways to address the concerns of the sponsors. It would continue to support initiatives that contributed to a comprehensive dialogue, were

grounded in international law and took into account the views and concerns of all Member States. However, it would vote against the draft resolution and encouraged other delegations to do the same.

63. **Mr. Sammis** (United States of America), speaking in explanation of vote before the voting, said that his delegation, despite its concerns with the concept of defamation, had tried over the past year to address the root concerns behind the draft resolution. The increasingly splintered views of Member States suggested that the underlying issues had not yet been adequately addressed. At the previous session of the Human Rights Council, it had been possible to reach a consensus on a divisive and connected issue, freedom of expression. He regretted the early vote on the draft resolution and the lack of opportunity to address the problem in a spirit of consensus.

64. All Governments should respect the ability of every individual to profess and practice their own faith. Religion was a global phenomenon, a key source of identity and a powerful motivating and mobilizing force around the world. Discrimination and violence could be exacerbated by ignorance, intolerance and fear of persons with different religions and it was incumbent upon Governments to model respect and welcome diversity of religious belief. Governments could use a combination of robust legal protections against discrimination and hate crimes, proactive government outreach to minorities and the vigorous defence of freedom of expression and religion without discrimination.

65. The United Nations should highlight the many examples of diverse communities living in peace and partnership in all regions of the world. Robust protections of speech and free and open dialogue were also an important part of the solution. Hateful ideas, when held up to public scrutiny, were shown to lack merit. Respectful and welcoming societies were built on the basis of open dialogue and experience; they could not be imposed by laws. It was a central tenet of human rights law that rights were held by individuals, not by Governments, institutions or religions. States should work together to build mutual respect and tolerance among the individuals who practiced different religions, without losing sight of the overall goal of realizing universal human rights for all individuals.

66. His delegation would vote against the resolution because prohibiting speech did not promote tolerance and because the concept of defamation of religions continued to be used to justify censorship, criminalization and even violent assaults and deaths of political, racial and religious minorities around the world. Contrary to the intentions of most Member States, some Governments were likely to abuse the rights of individuals in the name of that draft resolution and in the name of the United Nations. The United States was eager to work with the sponsors to address their root concerns in a spirit of consensus. Meanwhile, however, his delegation urged others to join it in voting against the draft resolution.

67. **Mr. Vimal** (India), speaking in explanation of vote before the voting, said that his delegation opposed the stereotyping of any religion. The sponsors had made efforts to take into account the concerns of other delegations, but the draft resolution continued to focus on a single religion. All religions faced negative stereotyping, to varying degrees, and the issue was best addressed in the context of religious intolerance or the abuse of freedom of expression. His delegation also had reservations about linking the issue with racism and would therefore abstain from the vote.

68. *A recorded vote was taken on draft resolution A/C.3/64/L.27, as orally revised.*

*In favour:*

Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Cambodia, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Guyana, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Myanmar, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates,

Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

*Against:*

Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

*Abstaining:*

Albania, Argentina, Armenia, Bahamas, Belize, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Costa Rica, Democratic Republic of the Congo, Ecuador, Fiji, Ghana, Grenada, Guatemala, India, Jamaica, Japan, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mongolia, Namibia, Nepal, Papua New Guinea, Paraguay, Peru, Rwanda, Saint Lucia, Solomon Islands, Sri Lanka, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, United Republic of Tanzania, Zambia.

69. *Draft resolution A/C.3/64/L.27, as orally revised, was adopted by 81 votes to 55, with 43 abstentions.*

70. **Mr. Perez** (Brazil) said that his delegation had abstained in the voting, despite the many positive elements in the text. The concept of defamation of religions was not consistent with international human rights law, and therefore with Brazilian legislation, which was based on the protection of the right of the individual to freely profess the religion of his or her choice, including the right to change his or her faith. It would be more appropriate to address the issue in the context of articles 19.3 and 20.2 of the International Covenant on Civil and Political Rights. The human rights challenges identified in the resolution should be addressed in a context that was not detrimental to the protection of other fundamental rights and freedoms, such as the freedom of expression.

71. Brazil was willing to work towards reconciling the different approaches observed and finding a consensus text that reflected the concerns of all Member States. Paragraph 12 of the outcome document of the Durban Conference was a good example of such a text.

72. **Ms. Lee** (Singapore) said that her delegation had voted in favour of the draft resolution on the understanding that it applied to all religions. Singapore, a multiracial and multireligious State, believed that the exercise of free speech should not take place at the expense of others. Freedom came with responsibility and accountability, while defamation bred intolerance and undermined social cohesion. Intolerance and ignorance should be discouraged as States sought to inculcate mutual respect for one another and harmony. Singapore reaffirmed its support for efforts to combat religious defamation and intolerance.

73. **Ms. Duarte-Rodríguez** (Colombia) said that the Colombian Constitution protected freedom of religion, the right of persons to profess and propagate their religion freely, and the equality of churches and religious confessions before the law. The media could contribute to a greater understanding by facilitating dialogue between different groups. Colombia had abstained in the vote because the use of ambiguous and diffuse concepts such as defamation of religion could lead to unjustifiable limitations on freedom of expression. The comprehensive definitions of that right which existed in international instruments were part of the Colombian Constitution.

74. **Ms. Wilson** (Jamaica) said that her delegation had always supported the principles of religious freedom and tolerance and respected the right of persons to practice the religion of their choice. The draft resolution should not refer solely to one religion as it failed to take account of violations of the rights of persons of other faiths and religions. Jamaica had therefore abstained from voting.

75. **Mr. Stastoli** (Albania) said that his delegation had abstained in the vote, although it recognized the value of minimizing unnecessary conflicts within and among different societies. Unfortunately, some of his delegation's concerns had not been addressed, including the attempts to associate defamation of religions with racial discrimination.

76. Albania's three major religious communities lived in harmony. Although domestic legislation did not recognize the concept of defamation of religions, there was a long-standing unwritten rule to respect religious sensitivities, including in the media. Albania fully respected freedom of expression and was disappointed that it had not been possible to reach a consensus.

*Draft resolution A/C.3/64/L.46: Enhancement of international cooperation in the field of human rights*

77. **The Chairperson** said that draft resolution A/C.3/64/L.46 contained no programme budget implications.

78. **Ms. Pérez Álvarez** (Cuba), speaking on behalf of the Movement of Non-Aligned Countries and as coordinator of the Movement's working group on human rights, introduced draft resolution A/C.3/64/L.46. A draft resolution on the enhancement of international cooperation in the field of human rights was presented annually as strengthening such cooperation was essential for fully achieving the aims of the United Nations.

79. *Draft resolution A/C.3/64/L.46 was adopted.*

*Draft resolution A/C.3/64/L.48: Promotion of equitable geographical distribution in the membership of the human rights treaty bodies*

80. **Mr. Khane** (Secretary of the Committee) said that China had joined the sponsors of the draft resolution.

81. **The Chairperson** said that draft resolution A/C.3/64/L.48 had no programme budget implications.

82. **Ms. Pérez Álvarez** (Cuba), speaking on behalf of the Movement of Non-Aligned Countries and as coordinator of its working group on human rights, said that the draft resolution on the promotion of equitable distribution in the membership of the human rights treaty bodies was being presented for the first time and would be submitted to the Committee every two years.

83. **Mr. Khane** (Secretary of the Committee) said that the Russian Federation had joined the sponsors of the draft resolution.

84. **Ms. Mirow** (Sweden), speaking in explanation of vote before the voting, on behalf of the European Union, the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Montenegro and Serbia; and, in addition, Republic of Moldova, Norway and Ukraine, said that, while fully recognizing the importance of equitable geographical distribution, including in the composition of human rights treaty bodies, the European Union was opposed to the draft resolution. Some of the human rights treaties did contain provisions regarding consideration of equitable geographical distribution and principal legal systems, but it was not for the General Assembly to modify those provisions, nor should it push States parties to do so.

85. The European Union was strongly opposed to a quota system as described in paragraph 4 and also strongly objected to paragraph 6, in which the chairpersons of the human rights treaty bodies were asked to present specific recommendations for the achievement of the goal of equitable geographical distribution. It was not for the General Assembly to make requests of the chairpersons of treaty bodies, who had been elected as independent experts to serve in their personal capacity. Nor could the chairpersons consider or recommend a quota system. That issue could only be considered by the States parties.

86. The European Union regretted the lack of more constructive suggestions for achieving a better balance in the human rights treaty bodies without resorting to a quota system. It was unfortunate that, once again, no consultations had been convened on the text. The European Union would vote against the draft resolution.

87. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/64/L.48.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-

Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against*:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining*:

Chile, Timor-Leste, Vanuatu.

88. *Draft resolution A/C.3/64/L.48 was adopted by 125 votes to 51, with 3 abstentions.**

89. **Mr. Tagle** (Chile) said that his delegation had decided to abstain from the vote. Although equitable geographical distribution was important, the main criteria for selection should be the personal capacities of the candidates, including their independence from their Governments. A fixed system of geographical distribution could affect the impartiality and independence of the committees. The treaty bodies were intended to protect the rights of individuals, not of States.

90. **Mr. Perez** (Brazil) said that his delegation had voted in favour of the draft resolution in recognition of the improvements made to the text, including the new wording of paragraph 1. The membership of all multilateral bodies and mechanisms should reflect an appropriate balance in geographical distribution, but members of human rights treaty bodies served in their personal capacity, and competence, experience and integrity were paramount considerations. The establishment of quotas might not be an appropriate way to remedy the current imbalances but it would be possible to encourage the submission and consideration of candidacies from developing countries, while observing the existing treaty provisions.

91. **Ms. Melon** (Argentina) said that her delegation supported the principle of geographical distribution. Argentina had voted in favour of the draft resolution on the understanding that its recommendations should be interpreted in the light of human rights law and with full respect for the independence of the treaty bodies. The specific provisions of the treaties should continue to apply.

**Agenda item 104: Crime prevention and criminal justice** (*continued*) (A/C.3/64/L.11/Rev.1)

*Draft resolution A/C.3/64/L.11/Rev.1: Improving the coordination of efforts against trafficking in persons*

92. **The Chairperson** said that draft resolution A/C.3/64/L.11/Rev.1 had no programme budget implications.

93. **Mr. Khane** (Secretary of the Committee) drew attention to two editorial corrections to the text of the draft resolution. In the third preambular paragraph, the words "12 June" should read "17 June" and footnote 3 should read "See A/64/53, resolution 1/3".

94. **Mr. Dapkiunas** (Belarus) said that he regretted that, owing to the insistence of some delegations, 13 paragraphs had been reintroduced from the previous year's text because they were, allegedly, "substance". Such copying and pasting seemed more like a smokescreen to conceal collective hesitation. Those

* The delegation of Bosnia and Herzegovina subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

who questioned the "added value" of the proposed global action against human trafficking were displaying misplaced resolve, as the real object of attention should be the insufficient participation in basic international instruments on human trafficking, the less-than-perfect cooperation of related agencies, the rudimentary interaction between government, civil society and multilateral partners, and critical gaps in the way the international community was addressing human trafficking. Those issues should be addressed by practical coordinated action — in the form of the global plan of action on preventing trafficking in persons.

95. It was not morally acceptable to pay tribute to the plight of victims of transatlantic slavery one day and on another to pay less than minimal respect and attention to the groundbreaking and unanimous call of African leaders for global action against modern-day forms of slavery. The draft resolution, however, had broken through the convenient and comfortable pattern of "business as usual" on human trafficking. The victims of human trafficking deserved better: the United Nations did its best when it was united.

96. *Draft resolution A/C.3/64/L.11/Rev.1 was adopted.*

*Statement made in exercise of the right of reply*

97. **Mr. Preston** (United Kingdom), in response to remarks made by the representative of Argentina regarding the sovereignty of the Falkland Islands, said that the position of the United Kingdom on that issue was well known and had been reiterated in the statement of the United Kingdom in exercise of the right of the reply in response to remarks made by the President of the Argentine Republic in the general debate at the fourth plenary meeting of the General Assembly on 23 September 2009. The United Kingdom had no doubt about its sovereignty over the Falkland Islands, and there could be no negotiations on that issue unless and until such time as the islanders so wished.

*The meeting rose at 6.20 p.m.*